

## Message Text

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ACTION EUR-12

INFO OCT-01 AF-10 ARA-10 EA-09 EUR-12 NEA-10 ISO-00  
IO-13 DEAE-00 CIAE-00 INR-07 JUSE-00 NSAE-00  
SNM-02 TRSE-00 USIA-15 NSC-05 OES-07 OMB-01  
DODE-00 IGA-02 AID-05 AGRE-00 HEW-06 /115 W  
-----180944Z 058462 /13

R 180803Z MAY 77  
FM AMEMBASSY BRUSSELS  
TO SECSTATE WASHDC 9887  
INFO AMEMBASSY BONN  
AMCONSUL HONG KONG  
AMEMBASSY LONDON  
AMEMBASSY MEXICO  
AMEMBASSY PARIS  
AMEMBASSY ROME  
AMEMBASSY TOKYO  
USMISSION GENEVA  
USDEL MTN GENEVA  
USMISSION OECD PARIS  
USMISSION EC BRUSSELS  
USMISSION USUN NEW YORK  
AMEMBASSY BERN

UNCLAS SECTION 1 OF 2 BRUSSELS 5035

PASS US CUSTOMS FROM USDEL

INFO ADDRESSEES PASS CUSTOMS ATTACHES

E.O. 11652: N/A  
TAGS: ETRD, SNAR, CCC-3  
SUBJECT: CCC: 95TH/96TH SESSIONS OF PERMANENT TECHNICAL COMMITTEE

1. 95TH/96TH SESSIONS PERMANENT TECHNICAL COMMITTEE (PTC) OF  
CUSTOMS COOPERATIONCOUNCIL HELD MAY 9-13, 1977, IN BURSSLS UNDER  
THE CHAIRMANSHIP OF V. SKALA (CZECHOSLOVAKIA) WITH DELEGATES FROM  
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50 MEMBER COUNTRIES AND OBSERVERS FROM CUBA, UNITED ARAB EMIRATES,  
AND 10 INTERNATIONAL ORGANIZATINS INCLUDING GATT, UPU, EC AND UN  
COMMISSION ON NARCOTIC DRUGS. SESSIONS WERE CHARACTERIZED BY  
SHARP DIVISIONS OF OPINION AND UNUSUALLY HEATED DISCUSSIONS.  
FOLLOWING SIGNIFICANT ACTIONS TAKEN ON AGENDA ITEMS.

2. PTC COMPLETED WORK ON AND WILL RECOMMEND TO THE COUNCIL FOR

ADOPTION ONE ADDITIONAL ANNEX TO THE INTERNATIONAL CONVENTION ON THE SIMPLIFICATION AND HARMONIZATION OF CUSTOMS PROCEDURES. THE ANNEX, WHICH CONCERNS CUSTOMS FORMALITIES IN RESPECT OF POSTAL TRAFFIC, WAS PREPARED BY THE PROFESSIONAL WORKING PARTY WHICH MET FOR TWO WEEKS IMMEDIATELY PRECEDING PTC SESSIONS UNDER CHAIRMANSHIP OF M. ASSAMOUA (IVORY COAST). THE WORKING PARTY HAD ALSO PREPARED A SECOND ANNEX CONCERNING SETTLEMENT OF DISPUTES WHICH, AMONG OTHER THINGS, PROVIDES FOR RIGHT OF APPEAL TO CUSTOMS AUTHORITIES, FURTHER APPEAL TO INDEPENDENT AUTHORITY, AND, IF THE INDEPENDENT AUTHORITY IS NOT A JUDICIAL AUTHORITY, THEN IN THE FINAL INSTANCE, TO A JUDICIAL AUTHORITY. THERE WAS A DIVISION OF OPINION AND AFTER A PROLONGED DISCUSSION IT WAS AGREED THERE WAS INSUFFICIENT TIME AVAILABLE TO CONSIDER THE ANNEX IN DETAIL DURING THESE SESSIONS, AND IT WAS DECIDED THAT CONSIDERATION OF THE ANNEX WOULD BE POSTPONED UNTIL THE NEXT PTC SESSIONS (DECEMBER 1977).

3. THE PTC ALSO CONSIDERED THE ANNEX CONCERNING PROCESSING OF GOODS FOR HOME USE WHICH HAD BEEN PREPARED BY THE WORKING PARTY WHICH PRECEDED THE LAST PTC SESSIONS (DECEMBER 1976). THE PTC HAD POSTPONED DETAILED CONSIDERATION OF THE ANNEX AFTER A LONG AND INCONCLUSIVE DISCUSSION. AT THESE SESSIONS THE RESULT WAS ESSENTIALLY THE SAME, EXCEPT THAT A SHARP DIVISION OF OPINION EVENTUALLY LED TO TWO FORMAL VOTES IN WHICH THE NECESSARY TWO THIRDS MAJORITY OF THOSE VOTING WAS NOT OBTAINED. THE QUESTION, WHETHER WORK SHOULD BE CONTINUED ON THE ANNEX, WILL BE REFERRED TO THE PLENARY SESSION OF THE COUNCIL (JUNE 1977). THE EC AS OBTAINED AGREEMENT OF ITS MEMBERS TO USE THE PROCEDURE DESCRIBED IN THE ANNEX AND IS UNDERSTOOD TO BE PREPARING NECESSARY DIRECTIVES.

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AT PRESENT, PROCEDURE APPARENTLY USED BY ONLY TWO OR THREE EC MEMBER COUNTRIES AND IS PRACTICALLY UNKNOWN IN OTHER PARTS OF WORLD. IN ADDITION, PROCEDURE IS APPLIED ONLY IN SPECIAL CASES AND IS USED ON SELECTIVE BASIS. WHY EC IS DRIVING FT COUNCIL "BLESSING" ON THIS PROCEDURE IS UNCLEAR. US DELEGATION HAS SUCCESSFULLY OPPOSED COMPLETION OF ANNEX, AT LEAST UNTIL FULL STUDY IS CARRIED OUT BY SECRETARIAT. TO DATE, EC HAS OPPOSED SUCH STUDY.

4. WHEN SHARP DEBATE AGAIN BROKE OUT ON DIFFERENT SUBJECT, LOSERS ON PREVIOUS VOTE (LED BY INDIA) PRESSED FOR FORMAL VOTE ALTHOUGH QUESTION UNDER DISCUSSION HAD ONLY VERY LIMITED SCOPE. TWO MORE INCLUSIVE FORMAL VOTES AND SOME CONFUSION AND DISAGREEMENT ON PROPER VOTING PROCEDURES LED TO AGREEMENT TO PUT QUESTION OF WORKING PROCEDURES IN PTC ON AGENDA FOR NEXT SESSIONS. FORMAL VOTING HIGHLY UNUSUAL IN PTC WHICH IN PAST HAS USUALLY OPERATED ON GENTLEMAN'S AGREEMENT TO WORK ON CONSENSUS BASIS. SHARP DIVISIONS IN PTC SEEM TO REFLECT GROWING MEMBERSHIP OF COUNCIL (NOW 81) AND INCREASING RESISTANCE IN PTC TO EUROPEAN VIEW OF

COUNCIL AS EUROPEAN ORGANIZATION.

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INFO OCT-01 AF-10 ARA-10 EA-09 EUR-12 NEA-10 ISO-00  
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SNM-02 TRSE-00 USIA-15 NSC-05 OES-07 OMB-01  
DODE-00 AID-05 IGA-02 AGRE-00 HEW-06 /115 W  
-----180943Z 058334 /11

R 180803Z MAY 77  
FM AMEMASSY BRUSSELS  
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PASS US CUSTOMS FROM USDEL

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5. POSSIBLE REVISION OF WORKING METHODS FOR THE PREPARATION OF ANNEXES WAS ALREADY ON AGENDA FOR THESE SESSIONS. DISCUSSION OPENED WITH ATTEMPT BY DIRECTOR OF THE COMMITTEE (OPPOSED TO PROPOSITION) TO POSTPONE DISCUSSION UNTIL NEXT SESSIONS. US, WITH SUPPORT OF CANADA, AUSTRALIA, SWEDEN, JAPAN, FORCED DISCUSSION WHICH ENDED IN EVEN DIVISION OF VIEWS BUT WITHOUT FORMAL VOTE. AT THE PRESENT, SECRETARIATE PREPARES DRAFTS OF  
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ANNEXES AND CIRCULATES THEM TO MEMBERS FOR WRITTEN COMMENTS WHICH ARE COMPILED INTO WORKING DOCUMENT FOR PRESESSIONAL WORKING PARTY TO CONSIDER. WORKING PARTY PREPARES REVISED TEXT WHICH IS IMMEDIATELY CONSIDERED BY PTC. PROCEDURE GIVES VERY LIMITED TIME FOR MAJORITY OF DELEGATIONS, WHICH HAVE NOT BEEN REPRESENTED AT THE WORKING PARTY, TO STUDY THE TEXT. UK, SUPPORTED BY US, CANADA, IRELAND, AUSTRALIA, SWEDEN, HAVE PROPOSED ALTERNATIVE PROCEDURE OF INITIAL DISCUSSION IN PTC OF PRINCIPLES INVOLVED AND THE REFERRAL TO MEMBERS FOR STUDY BEFORE DETAILED CONSIDERATION AT NEXT SESSIONS OF PTC. ALTHOUGH THE COMMITTEE WAS UNABLE TO TAKE A DECISION ON THE QUESTION, IT WAS NOTED THAT, AS EACH ANNEX WAS PRESENTED BY THE WORKING PARTY, THE COMMITTEE COULD POSTPONE DETAILED CONSIDERATION, IF IT WERE CONSIDERED APPROPRIATE, AS WAS DONE AT THESE SESSIONS IN THE CASE OF THE ANNEX CONCERNING SETTLEMENT OF DISPUTES. QUESTION OF ALTERNATIVE PROCEDURE REMAINS OPEN AND IS ON THE AGENDA FOR THE NEXT SESSION OF THE PTC.

6. THE PTC COMPLETED WORK ON THE DRAFT INTERNATIONAL CONVENTION ON MUTUAL ASSISTANCE FOR THE PREVENTION, INVESTIGATION AND REPRESSION OF CUSTOMS OFFENSES AND AGREED TO RECOMMEND ITS ADOPTION TO THE COUNCIL. THIS WILL CONCLUDE THREE YEARS OF INTENSIVE WORK BY THE PTC IN THIS FIELD, INCLUDING SIX MEETINGS OF THE WORKING PARTY ON CUSTOMS ENFORCEMENT. THE DRAFTING OF THE CONVENTION HAS BEEN A MAJOR PROJECT OF THE PTC AND ITS SUCCESSFUL COMPLETION CONFIRMS THE COUNCIL'S ROLE IN THE ENFORCEMENT FIELD. THE DRAFT CONVENTION CONSISTS OF A BODY OF RULES WITH 11 SEPARATE ANNEXES ON ENFORCEMENT PROCEDURES, INCLUDING SPECIAL ANNEXES ON THE POOLING OF INFORMATION CONCERNING CUSTOMS FRAUD, ACTION TO PREVENT THE SMUGGLING OF NARCOTICS, AND ACTION TO PREVENT THE SMUGGLING OF CULTURAL PROPERTY.

7. CONCERNING THE FUTURE OF THE WORKING PARTY ON CUSTOMS ENFORCEMENT NOW THAT IT HAS COMPLETED ITS ASSIGNED TASKS, THE COMMITTEE AGREED TO RECOMMEND THAT IT MEET IN JANUARY 1978 TO

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HOLD A SEMINAR ON THE POOLING OF INFORMATION AND TO DEVELOP NEW TERMS OF REFERENCE FOR THE WORKING PARTY FOR CONSIDERATION BY THE PTC AT ITS SPRING 1978 SESSIONS.

8. OTHER ITEMS ON THE AGENDA WERE HANDLED ROUTINELY.  
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## Message Attributes

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**To:** STATE  
**Type:** TE  
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**Review Markings:**  
Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
22 May 2009  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009